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6 Attorneys for Plaintiff
VNUS Medical Technologies, Inc.

7
8 UNITED STATES DISTRICT COURT
9 FOR THE NORTHERN DISTRICT OF CALIFORNIA
10 SAN FRANCISCO DIVISION

11 VNUS MEDICAL TECHNOLOGIES, INC.,) CASE NO. C08-03129 MMC
12 Plaintiff,)
13 v.)
14 BIOLITEC, INC., DORNIER MEDTECH)
AMERICA, INC., and NEW STAR LASERS,)
INC. d/b/a COOLTOUCH, INC., DAVID S.)
CENTANNI, and TYRELL L. SCHIEK)
15 Defendants.)
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**STIPULATION AND [PROPOSED]
ORDER] FOR VNUS TO FILE SECOND
AMENDED COMPLAINT**

1 Pursuant to Rule 15(a)(2) of the Federal Rules of Civil Procedure, Plaintiff VNUS Medical
 2 Technologies, Inc. (“VNUS”) and Defendants biolitec, Inc. (“biolitec”) and New Star Lasers, Inc.
 3 d/b/a CoolTouch, Inc. (“CoolTouch”) stipulate as follows:

4 WHEREAS VNUS filed a complaint against Defendants biolitec, Dornier MedTech
 5 America, Inc., CoolTouch, David S. Centanni and Tyrell L. Schiek (collectively “Defendants”) in
 6 the above-captioned action on June 27, 2008 and filed a First Amended Complaint on July 10,
 7 2008.

8 WHEREAS VNUS served biolitec and CoolTouch with the First Amended Complaint on
 9 July 11, 2008 and July 23, 2008, respectively.

10 WHEREAS CoolTouch filed an answer and counterclaims against VNUS in response to the
 11 First Amended Complaint on August 6, 2008.

12 WHEREAS pursuant to Rule 15(a)(2) of the Federal Rules of Civil Procedure, VNUS has
 13 requested consent from biolitec and CoolTouch—the only Defendants that have been served to date
 14 in this action—to file a second amended complaint adding allegations of infringement of U.S Patent
 15 No. 7,406,970, which is the recently issued continuation of one of the original patents-in-suit.

16 NOW THEREFORE, by and through their respective counsel of record, the undersigned
 17 parties stipulate that VNUS may file the Second Amended Complaint, attached hereto as Exhibit A
 18 and lodged concurrently herewith.

19
 20 Dated: August 15, 2008

ATTORNEYS FOR PLAINTIFF
 VNUS MEDICAL TECHNOLOGIES, INC.

21
 22 /s/ Matthew B. Lehr
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1 Dated: August 15, 2008

ATTORNEYS FOR DEFENDANT
BIOLITEC, INC.

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8 Dated: August 15, 2008

9 ATTORNEYS FOR DEFENDANT
10 NEW STAR LASERS, INC. d/b/a
11 COOLTOUCH, INC.

12 /s/ James W. Geriak
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17 **PURSUANT TO STIPULATION, IT IS SO ORDERED.**

18 Dated: August 18, 2008

19 
20 MAXINE M. CHESNEY
21 United States District Judge